

Exhibit A

From: Pollack-Milgate, Deborah
Sent: Friday, September 6, 2024 3:27 PM
To: Duncan Byers
Cc: Moye, John; Fehribach, Joseph; W. Ellis Boyle
Subject: Re: [EXTERNAL] RE: Discovery Issues

No, Duncan. Are you refusing to provide discovery?
Sent from my iPhone

On Sep 6, 2024, at 2:12 PM, Duncan Byers <dbyers@dbyerslaw.com> wrote:

Caution: This email originated from outside the Firm.

Even assuming that you have any point with regards to outstanding responses due from us, you are not excused from responding yourself. I'm sure you're aware that the cases on that very point are legion. And you specifically told me that the documents would be forthcoming once a protective order was in place.

Are you refusing to provide the documents?

Duncan G. Byers

BYERS LAW

1769 Jamestown Road, Suite 120
Williamsburg, Virginia 23185
Direct: 757.317.2779
Facsimile: 757.231.3797
Email: dbyers@dbyerslaw.com

<https://www.linkedin.com/in/duncangbyers/>

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From: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Sent: Friday, September 6, 2024 9:09 AM
To: Duncan Byers <dbyers@dbyerslaw.com>; Moyer, John <JMoyer@btlaw.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>
Subject: RE: Discovery Issues

Duncan,

Thank you for reaching out. Trimaco is prepared to release documents for production at any time. Quite frankly, it was not clear on our side that you intended to move forward with this litigation. We have not received responses to our interrogatories or document requests, even though you promised two weeks ago you would serve them. That was after they were already two weeks overdue. In addition to that, we have received no documents from you and will have to move to compel (again) production of the documents from Tanner IP.

Please let us know where you stand on your side of this. While we are prepared to produce what we have, we are not keen for discovery to be unilateral, especially where we will be moving for leave to file our motion for summary judgment.

Best,

Deborah

From: Duncan Byers <dbyers@dbyerslaw.com>
Sent: Thursday, September 5, 2024 11:00 AM
To: Moyer, John <JMoyer@btlaw.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Subject: [EXTERNAL] RE: Discovery Issues

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Now that the Protective Order has been entered when can I expect documents to be produced?

Duncan G. Byers

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From: Moyer, John <JMoyer@btlaw.com>
Sent: Monday, August 26, 2024 6:26 PM
To: Duncan Byers <dbyers@dbyerslaw.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Subject: RE: Discovery Issues

Thanks—we will get it filed.

John Moyer | Partner
Barnes & Thornburg LLP
3340 Peachtree Rd NE Suite 2900, Atlanta, GA 30326-1092
Direct: (404) 264-4006 | Mobile: (919) 802-4436

We have moved! Please note our new address.

<image006.png> <image007.png> <image008.jpg> <image009.png> <image010.jpg>

<image011.jpg>

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From: Duncan Byers <dbyers@dbyerslaw.com>
Sent: Monday, August 26, 2024 5:08 PM
To: Moyer, John <JMoyer@btlaw.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Subject: [EXTERNAL] RE: Discovery Issues

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Looks good to me. Thanks.

Duncan G. Byers

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1769 Jamestown Road, Suite 120
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Direct: 757.317.2779
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From: Moye, John <JMoye@btlaw.com>

Sent: Monday, August 26, 2024 12:47 PM

To: Fehribach, Joseph <Joseph.Fehribach@btlaw.com>; Duncan Byers <dbyers@dbyerslaw.com>

Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Pollack-Milgate, Deborah
<Deborah.PollackMilgate@btlaw.com>

Subject: RE: Discovery Issues

Hi Duncan—attached is a draft Joint Motion that we propose submitting with the Protective Order. Let us know if it looks ok to you and we can get everything filed. Thanks.

John Moye | Partner

Barnes & Thornburg LLP

3340 Peachtree Rd NE Suite 2900, Atlanta, GA 30326-1092

Direct: (404) 264-4006 | Mobile: (919) 802-4436

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From: Fehribach, Joseph <Joseph.Fehribach@btlaw.com>

Sent: Friday, August 23, 2024 1:14 PM

To: Duncan Byers <dbyers@dbyerslaw.com>

Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Pollack-Milgate, Deborah
<Deborah.PollackMilgate@btlaw.com>; Moye, John <JMoye@btlaw.com>

Subject: RE: Discovery Issues

Duncan,

It is the same as the one that was sent before. We just wanted to confirm that you were in agreement with it.

Thanks,

Joe Fehribach | Associate
Barnes & Thornburg LLP
11 South Meridian Street, Indianapolis, IN 46204
Direct: (317) 231-7526 | Mobile: (317) 612-4018

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From: Duncan Byers <dbyers@dbyerslaw.com>
Sent: Friday, August 23, 2024 1:03 PM
To: Fehribach, Joseph <Joseph.Fehribach@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>; Moyer, John <JMoyer@btlaw.com>
Subject: [EXTERNAL] RE: Discovery Issues

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I will review and get back to you shortly. How is this different from the last one that you sent?

Duncan G. Byers

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Williamsburg, Virginia 23185
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Facsimile: 757.231.3797
Email: dbyers@dbyerslaw.com

<https://www.linkedin.com/in/duncangbyers/>

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From: Fehribach, Joseph <Joseph.Fehribach@btlaw.com>

Sent: Friday, August 23, 2024 10:28 AM

To: Duncan Byers <dbyers@dbyerslaw.com>

Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Pollack-Milgate, Deborah
<Deborah.PollackMilgate@btlaw.com>; Moye, John <JMoye@btlaw.com>

Subject: RE: Discovery Issues

Duncan,

Attached is the draft protective order again. Can you please confirm if you are in agreement with this? Once you confirm we can prepare the Joint Motion and have that submitted with the protective order on Monday.

Thanks,

Joe Fehribach | Associate

Barnes & Thornburg LLP

11 South Meridian Street, Indianapolis, IN 46204

Direct: (317) 231-7526 | Mobile: (317) 612-4018

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From: Duncan Byers <dbyers@dbyerslaw.com>

Sent: Tuesday, August 20, 2024 12:55 PM

To: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>; Moye, John <JMoye@btlaw.com>

Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>

Subject: [EXTERNAL] RE: Discovery Issues

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Yes that works.

Duncan G. Byers

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From: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Sent: Tuesday, August 20, 2024 12:25 PM
To: Duncan Byers <dbyers@dbyerslaw.com>; Moyer, John <JMoyer@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>
Subject: RE: Discovery Issues

Sorry – John has a conflict then. Can you do 10 a.m. on Thursday?

From: Duncan Byers <dbyers@dbyerslaw.com>
Sent: Tuesday, August 20, 2024 11:36 AM
To: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>; Moyer, John <JMoyer@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>
Subject: [EXTERNAL] RE: Discovery Issues

Caution: This email originated from outside the Firm.

I am sorry – I thought I had confirmed for today. 3pm tomorrow is fine.

Thank you,

Duncan G. Byers

BYERS LAW

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Email: dbyers@dbyerslaw.com

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From: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>

Sent: Tuesday, August 20, 2024 11:34 AM

To: Duncan Byers <dbyers@dbyerslaw.com>; Moye, John <JMoye@btlaw.com>

Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>

Subject: RE: Discovery Issues

Duncan,

We never scheduled a call because we never heard back. In any event, I am fine moving it but this afternoon may be hard for me. Would 3 p.m. tomorrow afternoon work for everyone?

Deborah

From: Duncan Byers <dbyers@dbyerslaw.com>

Sent: Tuesday, August 20, 2024 11:14 AM

To: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>; Moye, John <JMoye@btlaw.com>

Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>

Subject: [EXTERNAL] RE: Discovery Issues

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Guys –

I'm still struggling recovering from COVID. Can we move our conference call to later this afternoon?

Duncan G. Byers

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Direct: 757.317.2779

Facsimile: 757.231.3797

Email: dbyers@dbyerslaw.com

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From: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>

Sent: Friday, August 16, 2024 3:19 PM

To: Moye, John <JMoye@btlaw.com>

Cc: Duncan Byers <dbyers@dbyerslaw.com>; W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>

Subject: Re: Discovery Issues

That also works for me.

Sent from my iPhone

On Aug 16, 2024, at 3:18 PM, Moye, John <JMoye@btlaw.com> wrote:

I am in a deposition but could do noonish.

John Moye | Partner
Barnes & Thornburg LLP
3340 Peachtree Rd NE Suite 2900, Atlanta, GA 30326-1092
Direct: (404) 264-4006 | Mobile: (919) 802-4436

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From: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Sent: Friday, August 16, 2024 3:03 PM
To: Duncan Byers <dbyers@dbyerslaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>; Moye, John <JMoye@btlaw.com>
Subject: RE: Discovery Issues

10 a.m. on Tuesday would work for me. Thanks.

From: Duncan Byers <dbyers@dbyerslaw.com>
Sent: Friday, August 16, 2024 1:15 PM
To: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph <Joseph.Fehribach@btlaw.com>; Moye, John <JMoye@btlaw.com>
Subject: [EXTERNAL] RE: Discovery Issues

Caution: This email originated from outside the Firm.

Monday afternoon or Tuesday. My wife and I are currently very ill with COVID but expect a couple of days to get at least somewhat back to normal.

Duncan G. Byers

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1769 Jamestown Road, Suite 120
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From: Pollack-Milgate, Deborah <Deborah.PollackMilgate@btlaw.com>
Sent: Thursday, August 15, 2024 2:47 PM

To: Duncan Byers <dbyers@dbyerslaw.com>
Cc: W. Ellis Boyle <WEBoyle@wardandsmith.com>; Fehribach, Joseph
<Joseph.Fehribach@btlaw.com>; Moyer, John <JMoyer@btlaw.com>
Subject: Discovery Issues

Dear Duncan,

I write to address outstanding issues as raised by you in your emails to us, as well as other issues about which Trimaco is concerned.

First, please find attached a draft protective order for your consideration. If this is agreeable to you, we can prepare and file this as a stipulation.

Second, we are happy to meet and confer with regard to our responses to Plaintiffs' document requests. Please let us know what you consider to be our deficiencies so that we can consider your concerns. To clarify again, Trimaco has already searched for and will be producing documents.

Third, we still have issues with your response to our second document request. They are as follows:

- You do not list the parties who were copied on these communications (cc's), if any
- You do not state the basis of your privilege claim
- At least some of your redactions are not logged, making the basis for your redactions unclear, e.g., 295-296, 336.

Please update so we can determine whether we need to revert to the Court.

Fourth, we note that you have failed to provide us responses to our discovery served on July 10, 2024. As a result, our requests for admission are deemed admitted and Terracinos have now admitted to no infringement. Please serve responses to the remaining discovery (document requests and interrogatories) as soon as possible, and let us know when you intend to provide your document production.

Fifth, we note that the discovery period expired without you seeking an extension of time. Absent a Court order Trimaco cannot engage in further fact discovery aside from the production of documents pursuant to our RFP responses. If you intend to move the Court for an extension, please let us know your basis so we can decide whether to oppose.

Lastly, Trimaco anticipates filing a motion for leave to file summary judgment in view of Terracinos' admissions of non-infringement.

Please let us know when you are available to meet and confer on the above issues.

Very truly yours,

Deborah

Deborah Pollack-Milgate | Partner
Barnes & Thornburg LLP
11 South Meridian Street, Indianapolis, IN 46204
Direct: (317) 231-7339 | Mobile: (317) 371-7602

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